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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.			KANG, INSUN	
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2124

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/745,023	Applicant(s) KUDUKOLI ET AL.	
	Examiner Insun Kang	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-124 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65-124 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to RCE amendment filed 11/08/2004.
2. As per applicant's request, claims 1-64 have been cancelled and claims 65-124 have been newly added. Claims 65-124 are pending.

Oath/Declaration

3. The new Oath/Declaration filed 9/21/2004 has been accepted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 65-124 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohara et al. (US Patent 6,366,300) hereinafter referred to as "Ohara."

Regarding claim 65,

Ohara discloses:

-automatically generating a new graphical program (i.e. "automatic generation of a program," col. 16, lines 27-28)

-executing a graphical program generation (GPG) program (i.e. "automatic generation of a program," col. 16, lines 27-28)

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- the GPG program receiving information, wherein the information specifies functionality of the new graphical program (i.e. "specifying behavioral characteristics" in Fig 4 and setting output in Fig. 6)

- the GPG program automatically generating the new graphical program in to response to said information specifying the functionality of the new graphical program, wherein the new graphical program implements the specified functionality (i.e. "selecting behavior," col. 16 line 66 to col 17 line 10; col. 5 lines 32-41)

- wherein the new graphical program comprises a plurality of interconnected nodes that visually indicate the functionality of the new graphical program (i.e. see the graphical object nodes in Fig 17; graphical objects each representing a function, are connected to each other to form a flow," col. 3 lines 46-56)

- wherein said automatically generating the new graphical program is performed without direct user input specifying the new graphical program ("automatic generation of a program," col. 16 lines 27-28; "default setting," col. 17 lines 26-39).

Regarding claim 66, Ohara further discloses: said automatically generating the new graphical program creates the new graphical program without direct user input selecting the plurality of nodes and without direct user input specifying the interconnections between the plurality of nodes ("automatic generation of a program," col. 16 lines 27-28; "default setting," col. 17 lines 26-39) as claimed.

Regarding claim 67, Ohara further discloses: the new graphical program comprises a block diagram portion comprising a plurality of interconnected nodes (i.e. see the graphical object nodes in Fig 17; graphical objects each representing a function, are connected to each other to form a flow," col. 3 lines 46-56) and a user interface portion ("user interface," col. 16 lines 20-29) wherein said automatically generating the new graphical program includes automatically generating the block diagram portion and the user interface portion (i.e. see the graphical object nodes in Fig 17; graphical objects each representing a function, are connected to each other to form a flow," col. 3 lines 46-56)

Regarding claim 68, Ohara further discloses: said automatically generating the new graphical program comprises: creating a plurality of graphical program objects in the new graphical program (i.e. see the graphical object nodes in Fig 17; graphical objects each representing a function, are connected to each other to form a flow," col. 3 lines 46-56) and interconnecting the plurality of graphical program objects in the new graphical program (i.e. see the graphical object nodes in Fig 17; graphical objects each representing a function, are connected to each other to form a flow," col. 3 lines 46-56) wherein the interconnected plurality of graphical program objects comprise at least a portion of the new graphical program (i.e. see the graphical object nodes in Fig 17; graphical objects each representing a function, are connected to each other to form a flow," col. 3 lines 46-56)).

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Regarding claim 69, Ohara further discloses: said automatically generating the new graphical program comprises: creating one or more user interface objects in the new graphical program (i.e. col. 16 line 66 to col 17 line 10; col. 5 lines 32-41) wherein the one or more user interface objects perform one or more of providing input to or displaying output from the new graphical program (i.e. col. 16 line 66 to col 17 line 10; col. 5 lines 32-41).

Regarding claim 70, Ohara further discloses: the new graphical program is a virtual instrument (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 71, Ohara further discloses: the GPG program is a graphical program (i.e. col. 16 line 66 to col 17 line 10; col. 5 lines 32-41).

Regarding claim 72, Ohara further discloses: the information received by the GPG - program specifies a computational process; wherein the GPG program is operable to generate a new graphical program that implements the specified computational process (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 73, Ohara further discloses: the information received by the GPG - program specifies an algorithm; wherein the GPG program is operable to generate a new graphical program that implements the specified algorithm (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 74, Ohara further discloses: the information received by the GPG - program specifies a state diagram; wherein the GPG program is operable to generate a new graphical program that implements the specified state diagram (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 75, Ohara further discloses: the information received by the GPG program specifies a prototype; wherein the GPG program is operable to generate a new graphical program that implements the specified prototype (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 76, Ohara further discloses: the information received by the GPG program specifies a test executive sequence (i.e.col. 16 lines 66 - col. 17 lines 6) wherein the GPG program is operable to generate a new graphical program that implements the specified test executive sequence (i.e.col. 16 lines 66 - col. 17 lines 6).

Regarding claim 77, Ohara further discloses:
wherein said GPG program receiving information comprises the GPG program receiving user input specifying desired functionality of the new graphical program (i.e.col. 16 lines 66 - col. 17 lines 6) wherein the GPG program is operable to generate a new graphical program that implements the specified desired functionality (i.e.col. 16 lines 66 - col. 17 lines 6).

Regarding claim 78, Ohara further discloses: wherein the GPG program comprises a graphical programming development environment application (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 79, Ohara further discloses: wherein the information received by the GPG program specifies an instrumentation function (i.e. col. 65 lines 50-57) wherein the GPG program is operable to generate a new graphical program that implements the specified instrumentation function (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 80, Ohara further discloses: the instrumentation function comprises one or more of: a test and measurement function; or an industrial automation function (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 81, Ohara further discloses: the information received by the GPG program comprises information regarding an existing program having program functionality (i.e.col. 16 lines 66 - col. 17 lines 6) wherein the GPG program is operable to generate a new graphical program that implements at least a portion of the program functionality of the existing program (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 82, Ohara further discloses: the existing program is a graphical program (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 83, Ohara further discloses: wherein the GPG program is operable to generate a plurality of new graphical programs, depending on the received information (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 84, Ohara further discloses: wherein the new graphical program generated by the GPG program has program functionality; wherein the GPG program is operable to determine at least a portion of the program functionality independently of the received information (i.e. col. 25 lines 5-8).

Regarding claim 85, Ohara further discloses: the GPG program is operable to generate the new graphical program such that the new graphical program implements additional functionality in addition to the functionality specified by the received information (i.e. col. 25 lines 5-8).

Regarding claim 86, Ohara further discloses: wherein the new graphical program comprises graphical program code; wherein the GPG program is operable to receive code generation information specifying how to generate at least a portion of the graphical program code (i.e. col. 25 lines 5-8).

Regarding claim 87, Ohara further discloses: said GPG program automatically generating the new graphical program comprises the GPG program calling an application programming interface (API) enabling the programmatic generation of a graphical program (i.e.col. 16 lines 66 - col. 17 lines 6).

Regarding claim 88, Ohara further discloses: said GPG program automatically generating the new graphical program comprises the GPG program automatically requesting a server program to generate the new graphical program (col. 25 lines 8-10).

Regarding claim 89, Ohara further discloses: the server program is an application instance of a graphical programming environment (i.e. col. 16 lines 66 - col. 17 lines 6).

Regarding claim 90, Ohara discloses: the GPG program comprises a client portion and a server portion; wherein the client portion is operable to utilize an application programming interface (API) in order to direct the server program to automatically generate the new graphical program (i.e.col. 16 lines 66 - col. 17 lines 6).

Regarding claim 91, Ohara further discloses: the client portion of the GPG program executes in a first computer system; wherein the server portion of the GPG program executes in a second computer system; wherein the first computer system is connected to the second computer system (i.e.col. 16 lines 66 - col. 17 lines 6).

Regarding claim 92, Ohara further discloses: executing the new graphical program; wherein the new graphical program is operable to perform the specified functionality during execution (i.e. col. 25 lines 5-8).

Regarding claim 93, Ohara further discloses: the new graphical program implements only a portion of the specified functionality (i.e. col. 25 lines 5-8).

Regarding claim 94, Ohara further discloses: the new graphical program is a partial program (i.e. col. 25 lines 5-8).

Regarding claim 95, Ohara further discloses: including at least one graphical program object in the new graphical program (i.e. col. 25 lines 5-8).

Regarding claim 96, Ohara further discloses: a block diagram wherein the at least one graphical program object comprises a function node placed in the block diagram (i.e. col. 25 lines 5-8).

Regarding claim 97, Ohara further discloses: an automatic structure placed in the block diagram (i.e. col. 65 lines 50-57) as claimed.

Regarding claim 98, Ohara further discloses: the new graphical program includes a user interface panel, wherein the at least one graphical program object comprises a user interface object placed in the user interface panel (i.e. col. 7 lines 22-36, lines 55-59; fig. 37)

Regarding claim 99, Ohara further discloses: the user interface object is a user interface input object placed in the user interface panel for performing one or more of: viewing input to the new graphical program; or providing input to the new graphical program (i.e. col. 7 lines 22-36, lines 55-59; fig. 37)

Regarding claim 100, Ohara further discloses: the user interface object is a user interface output object placed in the user interface panel for viewing output of the new graphical program (i.e. col. 7 lines 22-36, lines 55-59; fig. 37)

Regarding claim 101, Ohara further discloses: the new graphical program also includes a block diagram, wherein the user interface object is a user interface input object placed in the user interface panel for performing one or more of: viewing input to the block diagram; or providing input to the new graphical program (i.e. col. 7 lines 22-36, lines 55-59; fig. 37)

Regarding claim 102, see the rejection of claim 100 above.

Regarding claim 103, Ohara further discloses: said automatically generating the new graphical program comprises: including a first graphical program object and a second graphical program object in the new graphical program and connecting the first

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graphical program object to the second graphical program object col. 16 lines 27-28;
“default setting,” col. 17 lines 26-39)

Regarding claim 104, Ohara further discloses: said connecting the first graphical program object to the second graphical program object comprises connecting an input of the first graphical program object to an output of the second graphical program object col. 16 lines 27-28; “default setting,” col. 17 lines 26-39)

Regarding claim 105, Ohara further discloses: wherein the GPG program is a graphical program (See the rejection of claim 71 above) wherein the GPG program includes at least one object creation node for automatically creating at least one graphical program object in the new graphical program; wherein said generating the new graphical program comprises including the at least one graphical program object in the new graphical program (i.e. col. 7 lines 22-36, lines 55-59; fig. 37)

Regarding claim 106, Ohara further discloses: the GPG program further includes a property node, the method further comprising: the property node getting or setting a property of the graphical program object in response to said executing the GPG program (i.e. col. 7 lines 22-36, lines 55-59; fig. 37)

Regarding claim 107, Ohara further discloses: the object creation node outputs a reference to the graphical program object; wherein the property node receives the reference as input to the graphical program object; wherein the property node gets or

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sets a property of the graphical program object specified by the reference to the graphical program object (i.e. col. 7 lines 22-36, lines 55-59; fig. 37)

Regarding claim 108, Ohara further discloses: the GPG program further includes an invoke node; the method further comprising: the invoke node invoking a method on the graphical program object in response to said executing the GPG program (i.e. col. 25 lines 5-8).

Regarding claim 109, Ohara further discloses: the object creation node outputs a reference to the graphical program object; wherein the invoke node receives as input the reference to the graphical program object; wherein the invoke node invokes a method on the graphical program object specified by the reference to the graphical program object (i.e. col. 25 lines 5-8).

Regarding claim 110, Ohara further discloses: configuring the object creation node of the GPG program; wherein said configuring comprises specifying a graphical program object class for the object creation node; wherein the at least one graphical program object included in the new graphical program is of the graphical program object class (i.e. col. 7 lines 22-36, lines 55-59; fig. 37)

Regarding claim 111, Ohara further discloses: wherein the GPG program is a graphical program wherein the GPG program (See the rejection of claim 71 and 105 above)

Per claims 112-115, they are another computer-implemented method versions of claims 65,66,77, and 81, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 65,66,77, and 81 above.

Per claims 116-117, they are another computer-implemented method versions of claims 65 and 66, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 65 and 66 above.

Per claims 118-120, they are memory medium versions of claims 65-67, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 65-67 above.

Per claims 121-124, they are system versions of claims 65-68, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 65-68 above.

Response to Arguments

6. Applicant's arguments with respect to claims 64-124 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IK
1/21/2005



JOHN CHAVIS
PATENT EXAMINER
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